

IC 27-15-7

Chapter 7. Confidential Records

IC 27-15-7-1

Applicability of chapter

Sec. 1. Except as otherwise specifically provided in this chapter, IC 5-14 applies to all filings made under this article.

As added by P.L.94-1999, SEC.3.

IC 27-15-7-2

Purpose; effect of confidentiality

Sec. 2. Filings, information, and documents made with or provided to the commissioner under this article may include information that might be damaging to a converting mutual or its affiliates if made available to competitors. Subject to section 3 of this chapter, all documents containing trade secrets of a converting mutual or its affiliates and marked "confidential" by the converting mutual:

- (1) are declared confidential for purposes of IC 5-14-3-4;
- (2) are not subject to inspection and copying by the public under IC 5-14-3-3;
- (3) may be disclosed by the commissioner to the department of insurance of another state if that department of insurance agrees to keep the information confidential; and
- (4) may not be disclosed by the commissioner to any person other than a department of insurance under subdivision (3) without the written consent of the converting mutual.

As added by P.L.94-1999, SEC.3.

IC 27-15-7-3

Disclosure of confidential information

Sec. 3. (a) Subject to subsection (c), the commissioner may disclose to any person all or part of any document marked "confidential" in the commissioner's possession as the result of being filed under this article if the following conditions are met:

- (1) The commissioner must give written notice of the proposed disclosure to the converting mutual and any other person requesting disclosure.
- (2) The converting mutual must be given an opportunity in private to respond to the proposed disclosure.
- (3) The commissioner must give consideration to any legitimate interest in preserving trade secrets.
- (4) The commissioner must determine that the eligible members or other policyholders have a compelling interest which would be served by disclosure.
- (5) At least five (5) business days have elapsed from the converting mutual's receipt of written notice.

(b) The commissioner may disclose information under subsection (a) in a manner and subject to limitations as the commissioner considers appropriate.

(c) If:

- (1) not more than six (6) business days have elapsed since the converting mutual received notice of a proposed disclosure; and
- (2) the converting mutual has notified the commissioner that it or another interested party has filed an action seeking a protective order from a circuit or superior court to prevent or to limit disclosure;

the commissioner may not disclose the documents or copies of documents during the pendency of the action and any appeal or after any final court decision prohibiting disclosure.

As added by P.L.94-1999, SEC.3.